REMARKS

Claims 1, 4-15, and 20-31 stand rejected as obvious over Zitting, U.S. Patent No.

6,201,856, in view of Chin, U.S. Patent No. 6,744,867. Claims 16 and 18-19 stand rejected as

obvious over Zitting in view of Posthuma, U.S. Patent No. 6,456,694.

Applicant has amended independent claims 1, 20, and 26, and has added new claims 32-

34. All pending claims now recite the signal reflecting feature. Specifically, amended claim 1

and new claim 32 both state that "the telephone line terminator is configured to *reflect test*

signals sent by [the test signal generator of] the loop test server over the telephone line" "back

over the telephone line during the off-hook condition." Amended claims 20 and 26 likewise

recite "*reflecting test signals* sent over the telephone line by the [remote loop testing server/ loop

test server] back over the telephone line." Claim 16 is not amended by the present response, and

continues to recite "sending test signals from the central location on the telephone line, and

receiving at the central location *signals reflected back* on the telephone line from the customer

premises."

The Examiner in rejecting claim 16 relied on Posthuma for disclosure of the reflecting

feature, and combined this feature with the teachings of Zitting. (Action, at 4-6.) Applicant

respectfully submits that there is no motivation for such a combination, and that in fact the prior

art teaches away from such a combination.

Posthuma does not disclose the use of a trigger, such as Applicant's Loop Test Message,

sent from a loop test server to initiate a loop test, such as of the telephone line between a central

office and a customer's premises. Rather, the test process in Posthuma originates when the

subscriber's telephone line goes off hook (e.g., 5:33-36), such as when the subscriber makes a

call from a telephone at the premises to which the line is to be tested is connected (e.g., 5:39-46).

Posthuma's system detects when the subscriber takes his or her telephone off-hook, and superimposes test tones over call progress tones such as dial tone, ringback, busy, etc. (e.g., 2:4-9, 4:45-49) If conditions are right, the test equipment in the central office generates a test signal. (e.g., 4:55-68) Signals reflected back are then analyzed to evaluate the telephone line. (e.g., 6:5-15)

By contrast, in Zitting the testing process is initiated by the loop management device 26 at the central office, which generates a start test signal of 2713 Hz. (8:56-63) The loop management device 26 can issue an "open loop" command, a "short loop" command, or a "generate signal" command. Applicant does not understand there to be any disclosure in Zitting of a reflection by equipment at the customer's premises of a signal sent from the central office. In fact, Zitting states that the "generate signal" command causes the remote test interface 36 at the customer's premises to generate test signals and send them back to the loop management device 26. (10:6-10)

In short, Zitting and Posthuma are, from the perspective of the Examiner's proposed combination, directed to opposite approaches. In Posthuma, the test is initiated at the customer's premises, and test signals are generated at the central office. In Zitting, the test is initiated at the central office, and test signals are generated at the customer's premises.

The Examiner states that a person of ordinary skill in the art would have found it obvious to combine the teachings of Posthuma with those of Zitting "for the benefit of allowing service providers the ability to determine if subscriber loop qualifies for high speed service." (Action, at 6.) Applicant respectfully disagrees that there would be any such motivation to combine the two references as the Examiner suggests. Zitting's disclosure already purports to solve the "line

evaluation" problem. For example, Zitting states that "[t]his remote management capability provides a reliable and efficient method of characterizing the local loop prior to service initiation." (2:14-16) Given this, there would be no motivation to alter Zitting's solution to this problem to include any of the reflecting features of Posthuma, since those are also directed to solving that same problem. There simply would be no need, and thus no motivation, to do so. Posthuma's reflecting features, and the concept of generating test signals at the central office, are unnecessary and superfluous to Zitting's teachings, which expressly provide for test-signal-generation at the customer's premises. Since Zitting and Posthuma are essentially opposite ways of approaching the same problem of evaluating line quality, and since each purports to solve the problem, there is no motivation to modify Zitting's solution using features picked out of Posthuma's different approach.

Moreover, Applicant further submits that Posthuma's solution to the "line evaluation" problem is less desirable than Zitting's solution, in that Posthuma's approach requires that the subscriber initiate the testing process by taking his or her telephone off-hook. By contrast, Zitting's approach allows the service provider at the central office to initiate the line evaluation process at any time, without any need to involve the subscriber. Given this, Applicant submits that a person of ordinary skill in the art would be taught away from modifying Zitting to use Posthuma's inferior approach.

In view of the foregoing, Applicants submit that all claims are in condition for allowance, which action is requested.
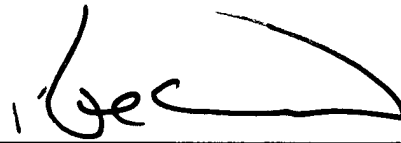
Submitted herewith is a petition for a three-month extension of time (through and including February 15, 2006), together with a check for the required fee ($510.00), as well as a check for the required fee for the new claim ($100.00).

Please apply any applicable charges, or make any applicable credits, to deposit account 06-1050, reference 10200-005001.

Respectfully submitted,

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